Scott. II-27.--40,006--20-12-38.

Development (~~1939~~) Department.

Ins SERIES.

G.O. No. 2316

Dated 22 9 39

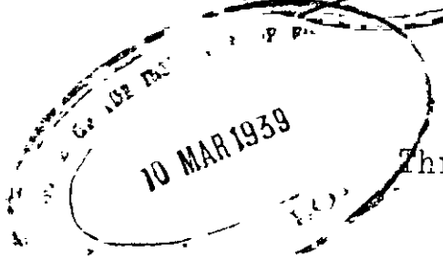
[Despatch Abstract.]

Fisheries.-

Petition - Achutha, U. - Peon - Appointment as Petty Yard Officer - Exemption from age limit - Declined.

S Kannan

1892-S/39
13/3/39



The Secretary,
Development Department,
M a d r a s.

Humble petition of U.Achutha, Peon, Office of the Inspector of Fisheries, Mangalore.

Through the propoer channel.

Re:G.O.No.330-MS.Devel Dept. Dated 7-2-1939 & note in.
Assistant Director's D.Dis.No.566-S/38 dated 17-2-'3

Sir,

With reference to the above G.O. and the Assistant Director's above refered memo, I beg to submit as follows:

I have applied to the Assistant Director of Fisheries (Coast) calicut on 31-8-36 for a post of petty Yard Officer. In return, I received a memo dated 5-9-36 from the said Office stating my name has been registered for the post. Thinking that I will be given a chance, I awaited for my turn one full year. Meanwhile I was nearing my 25th year; and inorder to over come the difficulty of age bar, I entered the Fisheries Department as a peon.

Further the petitioner invites your honour's attention for the recruitment of petty Yard Officer's to the Department last year. When applications for the post were called for I have also applied owing to the existances of a rule I am neither selected nor promoted up till now. Now I am exempted from age limit by the G.O. refered above and may have a chance of P.Y.O. in future. I beg to submit that my claim and seniority may be considered from 1936 for my name has been registered on 5-9-36. It is for want of vacancy that I was not able to secure a chance. After the registration of my name 7 candidates were directly recruited as petty yard officer in the year 1937. Besides in 1938, 12 candidates were recruited. All most all of them were provided with a vacancies Although my name has been registered in the year 1936, I was not able to secure the chance of P.Y.O., which I consider

is no fault of mine; and it is only to get rid of my age bar, I accepted the job of a peon as an expedient of the moment.

Thus on a kind consideration and sympathetic perusal of the above facts, your honour may be good enough to respond favourably to my entreaties.

I beg to remain,

Sir,

Your most obedient servant,

K. Achutha

Encl: One.

Mangalore.
Dated 10-3-1939.

Encl No 316/29 dated 10-3-39

Submitted to the Asst Director of Fisheries (Coast), Calicut.

U Magappa 10-3-39
Inspector of Fisheries
Mangalore

10/3/39

C.F. 30.

FISHERIES **DEPARTMENT.**

12109

Received 27 APR 1939 19 . *Registered* 19 .

SECRETARIAT TO GOVERNM. DEVELOPMENT DEPARTMENT

Subject.

Establishment.— Peon U.Achutha - seniority as Petty Yard Officer - Petition.

ENCLOSURES.
No. Two.
Spare copies

Ref No1012-F/39-1

Station Madras, , *Dated the* 24th April 1939 .

From (Name) Diwan Bahadur Dr.B.Sundara Raj, M.A., Ph.D.,
(Designation) Director of Fisheries.

To The Secretary to the Government of Madras,
Development Department.

Sir,

Ref:-G.O.No.Ms.330 Dev., dated 7th Feby.1939.

I enclose herewith a petition addressed to you by Peon U.Achutha, requesting that he may be given seniority in the category of Petty Yard Officers with effect from the date of the registration of his name. The request cannot be granted as rule 13(a) of the General Rules for Subordinate Services lays down that seniority of a member in a service, class or category should be determined from the date of his first appointment or from the date on which he commences his probation in such service, class or category.

2. In G.O.No.330 Ms.,Dev.,dated 7-2-1939, the Government have

have ordered that Achutha's case may be considered when a vacancy next occurs in the cadre of Petty Yard Officer and that proposals for relaxation of the Statutory Rules may then be submitted to them, if necessary. The Asst.Director(Coast) reports that short leave vacancies of Petty Yard Officer's posts occur now and then without previous notice and that by the time Government orders for the relaxation of the rules are received the vacancy or vacancies will cease. In the circumstances, I have the honour to suggest that the Government may kindly be moved to relax the rule 5(a)(i) of the General Rules for Subordinate services in favour of U.Achutha even now so that he may be appointed whenever short leave vacancies occur.

I have the honour to be,
Sir,
Your most obedient servant,

B. Sundara Raj

Director of Fisheries.

Dem. Gift

T.M.

To

The D.F.

Subj:- Establishment -
Appt as petty vara officer
Sri. Sahutha, Peon of Retirium

Ref:- your letter Ref. No.
1012-F/39-1, d. 24-4-39

Ref. 4 c/f

Please state whether the peon ~~petitioner~~ belongs to the scheduled class or Non-Brahmin (Hindu) Manager Community - vide item 56 in p. 838 Services Manual Vol 2nd (not part wise) schedule I ~~at p. 63~~ to the general Rules for subordinate services.

Issued
ona
16/5

RS
15/5

P.S.
13.5.39.

13/5

7

15155

Department of Fisheries,

Madras, 26th May 1939.

Post copy of telephonic message.

Sub: Establishment - U.Achutha - Peon - Appointment as Petty yard officer - petition.

--

Ref: Your telephonic message dated 16-5-1939. p. 6. enquiries.

The Sub Assistant Director reports that U.Achutha does not belong to the scheduled class and that he is a Non-Brahmin (Hindu) Mogear (Fisherman).

for Director of Fisheries.

To
The Assistant Secretary,
Development Department.

ls. 27. 5.

6

Dev. Dept.

O.4. No. 12109 VI/39-2 dt 27.6.39

H.C-5C1=

Ref: Letter from the D.F.
No 1012-F/38-1 dt 24.6.39
Pers Sri. Schultz -
Appointment as Petty
yard Officer Petitioner

The D.F: is requested to state whether the petitioner is qualified for appointment as clerk by transfer under rule 2(a) of those Special rules ~~for the Madras Ministerial Service~~.

Under rule 5 (a) of the Special rules for the Madras Ministerial Service

p 289 of Ser Manual Vol II (Appendix)

p 289 of Ser Manual Vol II

To the D.F.

9

C.F. 80.

FISHERIES **DEPARTMENT.**

Received 1 [illegible] 19 . Registered 24891 19 .

Subject.

Establishment - Peon U. Achutha - appointment as Petty Yard Officer.

ENCLOSURES.
No. a/c
Spare copies

Ref. No.1012-F/39-4

Station Madras, *Dated the* 30th August 19 39.

From (Name) Dewan Bahadur Dr.B.Sundara Raj,M.A.,Ph.D;
(Designation) Director of Fisheries,

To The Secretary to the Government of Madras,
Development Department.

Sir,

Ref:--Government Memorandum No.12109-VI/39 Dev., dated 27.6.1939.

U. Achutha has passed Parts II and III of the Intermediate Examination held in 1935. His S.S.L.C. shows that he has obtained more than 35% of marks in all the subjects in the Public Examination held in 1932. He is therefore qualified under rule 5(a)of the Special Rules for the Madras Ministerial Service for appointment as clerk by transfer. But the Inspector of Fisheries, Mangalore does not ~~[illegible]~~ speak well of Achutha's work in his office -- Vide

f 292 3
M.S. manual
Vol II.
(superseded by rule
7 in f 4 3
Pw. 1148 Dev
11-7-39 (4)

10

-2-

Inspector's Reference No.304/39 dated 24.5.1939 and 4.6.1939 copies of which are enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

B. Swinburne

Director of Fisheries.

MLM/31.8.

Copy of Mangalore Inspector's letter dated 24.5.39.

Copy not enclosed

I enclose herewith a copy of my office order No.304/39 dated 23.5.39 transferring peon U.Achutha of my office to Mangalore fish curing yard. Peon U.Achutha's work at the office has been very unsatisfactory. He is very dull and inactive. His hand-writing is very bad. He takes an inordinately long time to fair-copy and even when it is finished they contain several mistakes which when corrected look very shabby. He was then tried for despatch work. There he began to address covers wrongly so that letters failed to reach their destination. Even for out-door work he was found unfit. Hence I have transferred him to Mangalore fish curing yard and have taken peon K.Kumhappa Nambiar in his place. The arrangement may be approved.

Copy of Inspector's letter dated 4.6.39.

U. Achutha joined duty for the first time as temporary peon in charge of Malpe II yard on 20.10.37. He was discharged on 2.3.38 and was again posted to charge of Malpe II yard from 11.10.38. After the seasonal closure of the Malpe II yard he was posted to my office on 2.2.39. As far as his work in my office is concerned, his work was found to be very unsatisfactory but with regard to his work in the yard I have not yet formed a definite opinion. I will report on it some time hence.

12/

Dem. Deptt.

sub:- Fisheries - Petition from Sri. Achutha, Peon; Office of the Inspector of Fisheries, Mangalore

Ref:- Petition from Achutha d. 10-3-39
Letter from the D. F. Ref. No. 1012-F/39-1, d. 24-4-39.

Hon. A.S.

Please see the papers in the case.

2 Sri. Achutha, peon, working under the Inspector of Fisheries, Mangalore, is a member of the Mogar fishermen community and has passed Parts II and III of the Intermediate examination in 1935. He worked as peon in the Fisheries deptt. from 20-10-37 to 28-2-38. He could not be appointed as Petty yard Officer by transfer as only peons who were in the deptt. on 22-6-36 could be so appointed under rule 2(b) of the Fisheries subordinate services Rules. Nor could he be recruited direct as he exceeded the age limit prescribed in rule 5(a)(i) of the general Rules for subordinate services. He submitted a petition in September 1938 for exemption from the age rule but the question was deferred till a vacancy next occurred in the cadre of Petty yard Officers

3 The petitioner now requests that he may

14 d

be given seniority in the category of Petty yard A's officers with effect from 5-9-36 when his application was registered. As pointed out by the D. F., this request is opposed to rule para. 1(f) of 13(a) of the Civil Rules for subordinate services and cannot be granted. / p. 75 f/n ante

4. In January 1939, the D. F. reported that there was then no vacancy of a petty yard officer and that a vacancy was not likely to occur in the near future. He, however, now states that short leave vacancies occur now and then without previous notice and suggests that the age rule may be relaxed in the petitioners' favour in order to enable him to be appointed to such vacancies. The suggestion may be accepted in this deptt. The remarks of Pub. (Ser.) may be invited

RR 1.5.39

p. 12 ante (1)

The matter may be referred / CWO

RR 1.5.39 / CWO 2/5/39

Pub (Ser.) 2.5.39

Pub (Ser.)

Public (Services) Dept. No. 26/2109-VII/29-1 4.5.39.

Development may be requested to say whether the petitioner belongs to the Scheduled class or Non Brahman (Hindu) Moger

ASSISTANT SECRETARY TO G... 4 - MAY 1939 CHIEF SECTT.

community — see item 56 in Schedule I to the general rules for subordinate services at p. 83 of the revised services manual, Vol II (not printed).

ASSISTANT SECRETARY TO GOVERNMENT
12 MAY 1939
DEPARTMENT REMITTANCE

Pub (Ser) dept no 12979-1 11/5/39.

11/5/39

Dev

13557

Dev. Dept.

To A.S.

Please see Pub. (Ser.) note above. The information may be called for from the D.F. A draft T.M. is submitted for approval.

Issue

P.S. 13.5.39.

13/5/39

T.M. & D.F. dated 16-5-39.

P.C. of T.M. from D.F. dated 26-5-39.

To A.S.

The D.F. states that the petitioner does not belong to the scheduled classes and that he is a Non-Brahmin (Hindu) Mogear (fisherman). The file may be returned to Pub. (Ser.) with reference to that dept. note at pp 2-3 above

P.S. 28-5-39

30/5/39

Pub (Ser)

12376

ASSISTANT SECRETARY TO GOVERNMENT
31 MAY 1939
CHIEF SECTT.

Dev. to G. 12109-VI/39-2 30.5.39.

Pub (Fin) Dept

(Previous note of this dept at pp. 2-3 ante)

Please see the letter from the Director of Fisheries at pages 4-5 C.F. and Dev. Dept's note at page 1-2 ante. The question is whether M. Achutha, peon working under the Inspector of Fisheries, Mangalore may be exempted from age limit with a view to his appointment by direct recruitment as Petty yard Officer - category 10 of class I of the Ministerial Subordinate service.

2. Para 2 of the note at page 1 ante shows how, under the existing rules, the peon cannot be appointed to the post either by transfer or by direct recruitment. The policy of the Govt. has been not to relax Service rules except in the clearest cases of individual hardship or for paramount reasons of State. It is submitted that neither of these considerations exists in this case. Further the peon does not belong to the Scheduled classes. In the circumstances it is for orders whether this dept. may advise that no exemption from age limit need be granted in this case. After orders are passed the file may be returned to the Dev. Dept. that dept. may be requested to circulate the case to H.P.M. also if it is proposed to grant the exemption prayed for.

Can he not be appointed as a clerk if he possesses the

Vide extract of notes at (X) removed

page 7 C.F.

7/6/39

O.-pad

10/6/39

18/ 5

minimum general educational qualification Ct. 15615
if not, as attender? ~~Do not see~~ (5)

15/6/39

Subd. that he can be so appointed
~~either as clerk or as attender~~ - See Vide rule 2(a) p. 289 of M.S. Manual, vol II (not printed) of Pamphlet 2 of (H)
of the Madras Ministerial Service Rules and the proviso to rule 2(a)(i) of the Madras General Subordinate Service Rules. p 2 of (K)

K
14/6/39
14/6/39

Exemption from the age limit may be refused B
the petitioner may try to become a clerk if he is qualified A of. rule 5(a) at p 292 of Service Manual Vol I
or at least, as an attender.

15/6/39

CS
16/6/39 D.W

Pub(Sn) 1297/39/397
19.6.

Dev. Dept.

ASSISTANT SECRETARY TO GOVERNMENT
20 JUN 1939
DEVELOPMENT DEPARTMENT

17165

To A.S.

Please see the Public Dept. note from p. 4 ante. The petitioner has passed Parts II and III of the Intermediate Examination A in p 10 of 330 Dev. D
7-7 39.

7 19

held in 1935. The D.F. may first be asked whether the petitioner is qualified for appointment as clerk before a draft O.M. is submitted for approval.

Issue
RK
27/6

By
24/6

DSN
29/6

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p 8 Cf. (Ground as O.M. No. 12109 VI/39-2 Dt. 27.6.39)

pp 9-10 Cf. (From the D.F. No. 1012-F/39-4 Dt. 30.8.39)

Dev. Dept.

To A.S.

Please see the O.M. to the D.F. at p. 8 Cf. and his reply at pp 9-10 Cf.

pp 9-10 Cf. 2/ The Dy. states that the petitioner is qualified for appointment as clerk by transfer, but that the Inspector of Fisheries, Mangalore, has not reported well of the petitioner's work in his office. The Dy. has not, however, definitely stated anything against at least giving the petitioner a trial as clerk.

3/ Attention is invited to the Pub (Ser) Dept. notes at p. 5 ante. ~~Rule 7~~ The Special Rules relating to the Madras

KP

Ministerial Service have since been examined and the petitioner can now be appointed as clerk by transfer only for special reasons. The petitioner has therefore not much chance of appointment as clerk either in the Fisheries or Other depts. It is therefore for consideration whether the proposal for relaxation of the age rule in favour of the petitioner so as to enable him to be appointed as Petty yard officer will be pressed in this dept.

P.O 11148 Part (H) 11-7-39

Previous to rule 2 in p. 2 of (H)

French, p. 2 ante

4. Public may perhaps see again before circulation.

It is open to the D.F. to appoint the petitioner as a clerk at any time in the future for special reasons: The petitioner has not done well in the post as a clerk. But there is no objection to his being tried again.

For appt to the post of Petty yard officer, he is overaged. The Service is different and he will have to be exempted from age rule if he is to be taken as a P.Y.O

T.J. 5/7

A.C.D. 5/9

A.

The Public Depts does not recommend exemption.

RR
6.9.39

The reports on p. 11 C.f. show that the peon. Achuta, is dull and apt to commit mistakes and has a bad handwriting. Even about his work in the yard, the Inspector has not recorded any definite good opinion. It does not appear to be a fit case for relaxing the rule as to age for a Petty yard officer

CWO
7/9/39

H.M.(Ag+R.D.) It is a hard case but Executive reports of his work does not give room for exemption

14.9.39

CWO
14/9/39.

To Asst Secy.

A draft order is subs. for approval. It is presumed that no instructions need be issued to the P.F. with reference to A on p 7 ante.

Not necessary, I think. for orders
RR
18/9/39
I agree; not necy
CWO
21/9/

15/9.

RR
18/9/39

CWO
21/9/39

27

C.F.16.

40/2419

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ...		
When copied		
When examined...		
When signed ...		
When despatched.		

SUBJECT:— Development

Fisheries

Petition of Achutha U. Peon. Appointment as Petty Yard Officer Exemption from age limit - Declined

READ AGAIN Govt Memo 330 (No) Dev, dated 7.2.1939. (P)

" " ——— " ——— 19——.

READ *ALSO*:—

No. 1216 G/V From the U. Achutha Peon, Fisheries Dept, dated 10.3.1939. (P) 1-7 pf
From the D.F. Ref No. 1612 F/39-1 " 24.4.1939. (P) 4-5 pf
" ——— do ——— " 1012-F/39-4, " 30.8.1939. (P) 6-11 pf
" ——— " ——— " ——— " ——— 19——.

Order ~~Resolution~~ Ms. ~~Rout.~~ No. 2316, dated 22 9 1939.

The Govt. do not see sufficient justification to relax the age limit in favour of the petitioner in order to enable him to be appointed as Petty Yard Officer. He should be informed accordingly.

RR 18/9/39

Cmo 15/9

Cmo 21/9/39

To the D.F (with p.c of pp 3-3(a) cf. ref).

Approved
Cmo 25/9